

Order

Michigan Supreme Court
Lansing, Michigan

October 27, 2006

Clifford W. Taylor,
Chief Justice

130100

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

PHILIP ROBERTSON and
SHARON ROBERTSON,
Plaintiffs-Appellees,

v

SC: 130100
COA: 254052
St. Clair CC: 01-001223-NO

BLUE WATER OIL COMPANY,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the November 8, 2005 judgment of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.

WEAVER, J., dissents and states as follows:

I dissent from the decision to deny leave to appeal. I would grant leave to appeal and ask the parties to brief whether *Mann v Shusteric Enterprises, Inc*, 470 Mich 320 (2004), was correctly decided.

MARKMAN, J., dissents and states as follows:

I would grant defendant's application for leave to appeal to address the issues of "avoidability" and "unavoidability" raised in my statement in *Wiater v Great Lakes Recovery Centers, Inc* (Docket No. 128139).



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 27, 2006

Corbin R. Davis

Clerk